

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

PATRICK G. KARANJA,	)	
	)	
Petitioner,	)	CASE NO. C10-1874-MJP
	)	
v.	)	
	)	REPORT AND RECOMMENDATION
A. NEIL CLARK, Field Office Director, U.S.	)	
Immigration and Customs Enforcement,	)	
	)	
Respondent.	)	
_____	)	

On December 1, 2010, petitioner, proceeding pro se, filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, challenging his detention by the United States Immigration and Customs Enforcement (“ICE”). (Dkt. 6.) As relief, petitioner requested that the Court order his release from immigration custody, or, in the alternative, order the agency to hold a bond hearing before an Immigration Judge. *Id.* at 2. Respondent subsequently filed a Return and Motion to Dismiss (Dkt. 12), and petitioner filed a response (Dkt. 15). On February 3, 2011, however, respondent filed a Motion to Supplement Return and Motion to Dismiss along with documentation, which indicates that petitioner was released from immigration custody pursuant to an order of supervision on January 28, 2011. (Dkt. 16, Ex.

01 A.) Respondent contends that because petitioner has now been given the relief requested in his  
02 habeas petition, this matter has become moot and may be dismissed. *Id.*

03 For a federal court to have jurisdiction, “an actual controversy must exist at all stages of  
04 the litigation.” *Biodiversity Legal Foundation v. Badgley*, 309 F.3d 1166, 1173 (9th Cir.  
05 2002). “When a controversy no longer exists, the case is moot.” *Id.* Because petitioner is no  
06 longer detained by ICE, the Court finds that petitioner’s habeas petition is moot and should be  
07 dismissed without prejudice and without award of costs to either party. *See, e.g., Cooney v.*  
08 *Edwards*, 971 F.2d 345, 346 (9th Cir. 1992)(holding that the District Court properly dismissed  
09 plaintiff’s claims that had become either moot or unripe). A proposed Order accompanies this  
10 Report and Recommendation.

11 DATED this 10th day of February, 2011.

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14 Mary Alice Theiler  
15 United States Magistrate Judge  
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